

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

UNITED STATES OF AMERICA,)	
)	
v.)	
)	
REAL PROPERTY KNOWN AS)	Case No. CV409-052
1111 WILMA AVENUE, SAVANNAH,)	
GEORGIA,)	
)	
and)	
)	
REAL PROPERTY KNOWN AS)	
1393 HIGHWAY 80 EAST, POOLER,)	
GEORGIA.)	

ORDER

Before the Court is the government's motion to stay discovery pending resolution of claimant Khanh D. Ly's motion to dismiss. (Doc. 19.) No response to the motion to stay has been filed, so it is deemed unopposed. L.R. 7.5.

Ly's pending motion to dismiss, made pursuant to Fed. R. Civ. P. 12(b)(6), presents purely legal questions. *Hoffman-Pugh v. Ramsey*, 312 F.3d 1222, 1225 (11th Cir. 2002). All allegations in the pleadings are presumed to be true. *Chudasama v. Mazda Motor Corp.*, 123 F.3d 1353, 1367 (11th Cir. 1997). Consequently, "neither the parties nor the court

have any need for discovery before the court rules on the motion.” *Id.*
Accordingly, a stay is appropriate.

Moreover, courts in this circuit have granted such motions to stay where the “resolution on the pending motion to dismiss may extinguish some or all of the claims . . . potentially restricting the scope of discovery significantly.” *White v. Georgia*, 2007 WL 3170105 at *2 (N.D. Ga. Oct. 25, 2007) (unpublished).

For the above stated reasons, the government’s motion to stay discovery is **GRANTED**. Should the Court deny claimant’s motion to dismiss, the parties shall submit a proposed scheduling order within ten days of the Court’s entry of the order denying defendant’s motion.

SO ORDERED this 25th day of June, 2009.


UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA